

Approved as Submitted: May 25, 2005

**CITY OF MORGAN HILL  
JOINT SPECIAL AND REGULAR CITY COUNCIL  
AND SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES – MAY 18, 2005**

**CALL TO ORDER**

Mayor Pro Tempore/Vice-Chairman Tate called the special meeting to order at 6:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Mayor Pro Tempore/Vice-Chairman Tate, Council/Agency Members Carr, Grzan, Sellers  
Absent: Mayor/Chairman Kennedy

**DECLARATION OF POSTING OF AGENDA**

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

***City Council and Redevelopment Agency Action***

**CLOSED SESSIONS:**

Mayor Pro Tempore/Vice-Chairman Tate announced the following closed session items:

1.

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 3

2.

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Authority: Pursuant to Government Code 54956.9(a)  
Case Name: General Lighting Service, Inc. v. Wells Construction Group, et al. [Consolidated  
Actions]  
Case Number: Santa Clara County Superior Court, Lead Case No. 1-04-CV-025561

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor Pro Tempore/Vice-Chairman Tate opened the Closed Session items to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION**

Mayor Pro Tempore/Vice-Chairman Tate adjourned the meeting to Closed Session at 6:02 p.m.

**RECONVENE**

Mayor Pro Tempore/Vice-Chairman Tate reconvened the meeting at 7:00 p.m.

### **CLOSED SESSION ANNOUNCEMENT**

Interim City Attorney/Agency Counsel Siegel announced that no reportable action was taken under closed session item No. 1, anticipated litigation; and that under closed session item 2, existing litigation in the case of General Lighting Services, Inc. v. Well Construction Group, et al., direction was given to the Council concerning a legal strategy. He indicated that there is nothing to report on this case at this time.

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

At the invitation of Mayor Pro Tempore/Vice-Chairman Tate, Daryl Manning, head of the Fourth of July celebration committee, led the Pledge of Allegiance.

### **RECOGNITIONS**

Mayor Pro Tempore Tate recognized and thanked outgoing Library Commissioner Ruth Phebus for her years of service to the City and the community. He deferred recognition of George Nale and Kathleen Keeshen to later on the agenda.

Chris Hoag presented and received the Bicycle & Trails Advisory Committee award on behalf of Bob Eltgroth in recognition of his furtherance of trails and bicycling in the community.

### **INTRODUCTIONS**

Chief of Police Cumming introduced three new Police staff members: Nathan Mazon, Multi-Service Officer; Lisa Pritsch, Public Safety Dispatcher and Keri Hulihan, Public Safety

Deputy Director of Public Works Struve introduced two new Public Works staff members: Ann Beale, Maintenance Supervisor, and Rudy Zamarron, Maintenance Worker.

### **PRESENTATIONS**

Daryl Manning extended an invitation to the City Council and the community to attend Silicon Valley Open Studios to be held on May 21 and 22, 2005 from 11:00 a.m. – 5:00 p.m. at the Community & Cultural Center. She indicated that this is the second year that the City of Morgan Hill has sponsored an open studio studies group site at the Community & Cultural Center. She thanked the Council for its continued support of Independence Day, Inc. Fourth of July programming activities.

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## **RECOGNITION**

Mayor Pro Tempore Tate recognized and thanked outgoing Library Commissioner George Nale for his years of service and support to the City, library and the community. He presented him with a gift in appreciation.

Mr. Nale thanked the Council for the new Library, Council Member Tate for his devotion to the library project, and Mayor Kennedy for being the swing vote when it counted. He further thanked the citizens for Morgan Hill for making their voices heard when it counted, voting funds to keep the library open.

Programs Manager Eulo announced the Environmental Poster Contest Winners for the art work submitted as follows: K-3<sup>rd</sup> grade: 1<sup>st</sup> place – Patrick McLaughlin; 2<sup>nd</sup> place - Skyler Fraga, and 3<sup>rd</sup> place - Kaitlyn Lombardo; 4<sup>th</sup> – 6<sup>th</sup> grade: 1<sup>st</sup> place - Mitch Marcum, 2<sup>nd</sup> place - Emma Fladeboe and 3<sup>rd</sup> place - Jaime Webb; 7<sup>th</sup> – 9<sup>th</sup> grade: 1<sup>st</sup> place – Danielle Cartier, 2<sup>nd</sup> place – Mina Park, and 3<sup>rd</sup> place - Andrea Ferriera; and 10<sup>th</sup> – 12<sup>th</sup> grade: 1<sup>st</sup> place - Jina Park, 2<sup>nd</sup> place – Elizabeth De La Torre; and 3<sup>rd</sup> place - Israel Herrera.

Mayor Pro Tempore Tate acknowledged that Bob Eltgroth arrived and congratulated him on receiving an award from his peers, the Bicycle & Trails Advisory Committee.

Mr. Eltgroth announced Bike to Work Week and that tomorrow is Bike to Work Day. He indicated that the Bicycle & Trails Advisory Committee is running the energizer station at the Caltrain station.

Dan Ehrler and Bob Martin, Morgan Hill Chamber of Commerce, presented a video that focuses on economic development, a result of one of the efforts of the economic development partnership. Mr. Martin indicated that the video was presented in lieu of the normal quarterly report that was presented to the Council in March. He informed the Council that a video on tourism has also been produced.

## **CITY COUNCIL REPORT**

Mayor Pro Tempore Tate indicated that he serves on the Financial Policy and the Public Safety & Community Services Committees. He stated that the Financial Policy Committee is dedicating a large portion of its agenda to having a conversation with the community about the state of the City's budget and city services. He indicated that the City needs to understand what services the public values and that it would like to receive input from the public on the services it wants, needs, and how these services are to be provided in terms of the budget. He stated that the process has been started with a survey being undertaken. The results of the survey will be used, as well as other vehicles, to allow the Council and City staff to have discussions with the public and receive public input; determining where the City will be heading in the future to get the budget back in balance. He noted that the City is currently in deficit spending to provide the services the community is receiving. He said that the City has to move out of the deficit spending into a profitable mode. The City will need to figure out how to do so. He said the Council will be spending a great part of this year on this effort. He stated that the Public Safety & Community Services Committee held a meeting earlier this afternoon. He said that this committee is getting organized and trying to figure out how to interface with some of the commissions and

committees within the City and be of service to the Council in terms of making the Council's job easier. He indicated that he had the privilege of being able to work in conjunction with the Youth Advisory Committee on a table last week at Art a La Cart. The table allowed the assembly of safari hats for the children who attended the event. He stated that the Youth Advisory Committee received a grant from Project Cornerstone. The grant will be used to sponsor two events: a band concert to be held on June 4, 5:30 – 9:00 p.m., at the amphitheater outside the Community & Cultural Center; and the annual Cultural Dance show to be held in November. He said that he has fun working with the Youth Advisory Committee and the youth in the community as he finds it a rewarding experience. He and Roger Knopf are working with the Centennial Committee that is planning a year-long celebration in 2006 as Morgan Hill will be turning 100 years old. He indicated that they are working on a millennium project, although it is not known what the project will be. He and Mr. Knopf have started brain storming sessions and that they have set aside some time on June 7 to host a community meeting to discuss possible projects. He invited the community to be involved in this project so that everyone can contribute to a lasting item that will be within the community. He invited individuals interested in participating on this project to the June 7 meeting. He stated his appreciation of the support given by the voters of the City of Morgan Hill to Measures A and B, the mail in ballot for library services. He indicated that Measure A ensures that the library is opened as often as it is at this time; Measure B would have restored the Monday hours and other services lost. He said that the citizens of Morgan Hill passed both Measures and demonstrated strongly that they want the new library to be opened in 2007 as much as possible. He stated that he would dedicate time figuring out a way to keep the new library open as much as possible.

### **CITY MANAGER REPORT**

City Manager Tewes invited the community to the Community Recreation Center's groundbreaking celebration on May 31 at 5:30 p.m. The Center is to be constructed adjacent to Community Park located on Edmundson Avenue.

### **CITY ATTORNEY REPORT**

Interim City Attorney Siegel stated that he did not have a report to present this evening.

### **OTHER REPORTS**

### **PUBLIC COMMENT**

Mayor Pro Tempore/Vice-Chairman Tate opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

## ***City Council Action***

### **CONSENT CALENDAR:**

Mayor Pro Tempore Tate noted that the City Clerk distributed a substitute set of minutes for item 11 on the Consent Calendar (April 26, 2005 Council minutes).

Council Member Carr requested that item 8 and Council Member Grzan requested that item 1 be pulled from the Consent Calendar.

**Action:** *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Mayor Kennedy absent, **Approved** Consent Calendar Items 2-7, and 9-12 as follows:*

2. **LEASE WITH SOLARA ENERGY**

**Action:** **Authorized** the City Manager to Amend the Lease Agreement, Subject to Review by the City Attorney, with Solara Energy to: 1) **Allow** Solara to Install Roll-up Door Improvements and be reimbursed by the City for the Costs; 2) **Change** the Lease Start Date from April 1, 2005 to May 1, 2005; and 3) **Make Revisions**, as Needed, to Clarify the Lease Terms.

3. **AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR DESIGN OF TENNANT AVENUE WIDENING PROJECT**

**Action:** 1) **Approved** Additional Scope of Work for Design Work for the Tennant Avenue Widening Project to MH Engineering for \$27,204; and 2) **Authorized** the City Manager to Execute a Professional Service Agreement for an Amount Not to Exceed a Total of \$53,742 for Design Services for the Tennant Avenue Widening Project, Subject to Review and Approval as to Form by the City Attorney.

4. **AMENDMENT TO THE 2004 MEMORANDUM OF UNDERSTANDING (MOU) TO CONDUCT A REGIONAL ANNUAL INTEGRATED PEST MANAGEMENT PROGRAM**

**Action:** **Approved** Amendment No. 1, Establishing a Trust Fund for the Integrated Pest Management Program.

5. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9462, QUAIL CREEK PHASE II**

**Action:** 1) **Adopted** Resolution No 5906, Accepting the Subdivision Improvements Included in Tract 9462, Commonly Known as Quail Creek Phase II; and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.

6. **FINAL UPDATE ON DEVELOPMENT PROCESSING SERVICES STUDY IMPLEMENTATION**

**Action:** **Accepted** Final Report on the Implementation Status of Development Processing Services Study Recommendations.

7. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2005 QUARTERLY REPORT #1**

**Action:** **Accepted** and **Filed** the RDCS First Quarter Report for 2005.

9. **AMENDMENT TO MANAGEMENT RESOLUTION**

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**Action:** **Adopted** Resolution No. 5907, Amending the Management, Professional and Confidential Employees Resolution No. 5872 to Change the Salary Range for the Position of Utility Systems Manager; to Change the Title of the Police Supports Services Supervisor to Police Support Services Manager and to Change to the Salary Range for that Position; and to Delete the Position of Human Resources Supervisor.

10. **ADOPT ORDINANCE NO. 1723, NEW SERIES**

**Action:** **Waived** the Reading, and **Adopted** Ordinance No. 1723, New Series, and **Declared** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: ***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 619, NEW SERIES AND ORDINANCE NO. 955, NEW SERIES, ESTABLISHING A LIST OF PERMITTED AND CONDITIONAL USES ON A 4.8 ACRE INDUSTRIAL PLANNED UNIT DEVELOPMENT ON THE WEST SIDE OF VINEYARD BOULEVARD, NORTH OF VINEYARD COURT. (APN 817-02-055 thru 062) (ZAA-89-16: Church-LaBrucherie).***

11. **MINUTES OF SPECIAL CITY COUNCIL COYOTE VALLEY SPECIFIC PLAN WORKSHOP OF APRIL 26, 2005**

**Action:** **Approved** the minutes as amended.

12. **MINUTES OF SPECIAL CITY COUNCIL MEETING OF MAY 4, 2005**

**Action:** **Approved** the minutes as written.

1. **THIRD QUARTER REPORT ON 2004-2005 WORKPLAN**

Council Member Grzan requested an amendment to the Bicycle & Trails Advisory Committee's workplan. He noted that this workplan does not contain an item relating to trails and requested that the trails master plan be added to the workplan.

Assistant to the City Manager Dile stated that item 1 relates to City staff workplan adopted at the beginning of Fiscal Year 2004-05. It was her belief that Council Member Grzan may be referring to item 13 that includes the boards, committees and commissions workplan items.

City Manger Tewes indicated that staff is aware of Council Member Grzan's suggestion and that the revised workplan from the Bicycle & Trails Advisory will be presented to the Council for its review on Friday, May 20.

**Action:** On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Mayor Kennedy absent, **Accepted** the Report.

8. **EXTEND TERMS OF OFFICE FOR THREE CURRENT PLANNING COMMISSIONERS**

Council Member Carr noted that it is being requested that the Council conduct Planning Commission and ARB interviews on June 8 at 5:30 p.m. He stated that the Council has also scheduled the possible hearing of the Vierra appeal at 7:00 p.m. He indicated that the hearing at 7:00 p.m. may be canceled. He said that he would only be interested in conducting interviews if the hearing on the appeal is to take place.

Council Grzan requested the discussion on the selection process as he would like to review alternatives to the ranking process and have an open discussion.

Mayor Pro Tempore Tate noted that Mayor Kennedy has made a suggestion in terms of a delayed sequence between interviews and appointments. He recommended that this discussion take place before conducting interviews.

Council Member Carr felt that there are questions regarding the appointment process, and not just the dates of appointments.

Mayor Pro Tempore Tate requested that staff agendize the discussion of the appointment process prior to conducting interviews.

Council Member Sellers noted that the first time that all Council Members are scheduled to be in attendance at a meeting is June 15, 2005. Should the Council hold the discussion of the appointment process, it would further delay implementation and interviews until July.

**Action:** *On a motion by Council Member Carr and seconded by Council Sellers, the City Council, on a 4-0 vote with Mayor Kennedy absent: 1) **Extended** Terms of Office for Three Current Planning Commissioners Until Such Time that the City Council Concludes the Interview and Appointment Process; and 2) **Extended** Terms of Office for Three Current Architectural Review Board Members Until Such Time that the Vacancies are Filled.*

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

Council/Agency Member Carr requested that item 13 be pulled from the Consent Calendar.

**Action:** *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Carr, the City Council/Agency Board, on a 4-0 vote with Mayor Kennedy absent, **Approved** Consent Calendar Item 14 as follows:*

#### **14. MINUTES OF JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF MAY 4, 2005**

**Action:** ***Approved** the minutes as written.*

**13. CITY MANAGER'S PROPOSED FISCAL YEAR 2005-2006 BUDGET AND CAPITAL IMPROVEMENT PROGRAM**

Council/Agency Member Carr noted that the Council/Agency Board will be conducting a workshop on workplans coming from the boards, commissions and committees. He indicated that earlier this evening, the Public Safety & Community Services Committee met and discussed the workplans. He said that the Committee has an interest in having a discussion with the different commissions and subcommittees to the commissions presenting workplans. The Committee is requesting authority to meet with the commissions and subcommittees in order to have a discussion on their workplans. The Committee is interested in all but the Planning Commission's workplan coming before the Committee.

**Action:**        *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Carr, the City Council, on a 4-0 vote with Mayor Kennedy absent: 1) **Received** the City Manager's Proposed 2005-2006 Budget & Capital Improvement Program; 2) **Set** May 20, 2005 as a Budget Workshop, CIP Workshop, and Workplan Workshop; 3) **Set** June 15, 2005 as a Public Hearing on the Budget; 4) **Set** June 22, 2005 for Adoption of the 2005-2006 Budget; and 5) **Authorized** the Public Safety & Community Services Committee to meet with the commissions and subcommittees to review and discuss respective workplans.*

***City Council Action***

**PUBLIC HEARINGS:**

**15. ZONING AMENDMENT, ZAA-04-01/ DEVELOPMENT AGREEMENT, DA-04-08: TILTON-GLENROCK – Ordinance Nos. 1724 and 1725, New Series**

Senior Planner Linder presented the staff report on a request for the approval of an amendment to the precise development plan for the Capriano project located on the east side of Hale Avenue, across from Tilton Avenue. She indicated that approximately 82 residential units have been constructed thus far. She said that the Residential Planned Development (RPD) amendment would define phases 7-10, 81 remainder units for this development. To be defined this evening is the R-2 area and the remaining R-1 area. She informed the Council that the development plan is supported by the Planning Commission, applicant and staff. Also, requested this evening is the project development agreement that covers the full allocation for this project of 81 building allocations through the year 2009.

Mayor Pro Tempore Tate noted that the Council has been presented with a corrected staff report.

Mayor Pro Tempore Tate opened the public hearing. Rocke Garcia indicated that he would answer any questions the Council may have. No further comments being offered, the public hearing was closed.

Council Member Sellers stated his appreciation of meetings held and the significant amount of work conducted by staff, the applicant and the Planning Commission.



**Action:** *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Mayor Kennedy absent, **Waived** the reading in full of Ordinance No. 1724, New Series, the Zoning Amendment Ordinance.*

**Action:** *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1724, New Series by Title Only as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A PRECISE DEVELOPMENT PLAN FOR PHASES 7, 8, 9 & 10 (81 UNITS) OF THE CAPRIANO/MADRONE CROSSING DEVELOPMENT. THE RESIDENTIAL DEVELOPMENT PLAN COVERS A 68 ACRE SITE LOCATED ON THE WEST SIDE OF MONTEREY ROAD, SOUTH SIDE OF TILTON AVENUE, ON THE EAST SIDE OF HALE AVE. (APNs 764-09-005, 006, 007, 008, 009, 010 & 014), by the following roll call vote: AYES: Carr, Grzan, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Kennedy.***

**Action:** *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Mayor Kennedy absent, **Waived** the reading in full Ordinance No. 1725, New Series, the Development Agreement Ordinance.*

**Action:** *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1725, New Series, by Title Only as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 04-08: TILTON-GLENROCK FOR APPLICATION MP-02-03: TILTON-GLENROCK (APNS 764-9-06, 16, 17, 32 & 33) by the following roll call vote: AYES: Carr, Grzan, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Kennedy.***

## ***City Council Action***

### **OTHER BUSINESS:**

#### **16. SILICON VALLEY SOCCER COMPLEX PROPOSAL**

Assistant to the City Manager Dile presented the staff report, indicating that the San Jose Soccer Foundation has been in negotiations with the City of San Jose to construct a regional soccer complex at the Sobrato High School. She stated that the City of Morgan Hill has set aside \$1 million in the Capital Improvement Program to assist with this project. She informed the City Council that \$26,000 has been spent, thus far, on design expenses related to the project. In March, the Foundation requested that the City of Morgan Hill commit the remaining \$974,000 to help with fundraising of their \$6 million construction goal; with ultimate build out costs at \$7 million. She stated that the Public Safety and Community Services Committee has reviewed the request/proposal and recommend that funding be allocated on a matching basis, subject to the development of a contract with the Foundation. This was agreed to last month. However, as of yesterday, the Foundation has requested that the Council defer acting on this request for one month. She informed the Council that the Foundation Board is considering

a site in Hollister in lieu of the Sobrato site due to the delays they are experiencing in working out an agreement with the City of San Jose.

Mayor Pro Tempore Tate opened the floor to public comment. No comments were offered.

Mayor Pro Tempore Tate said that the Public Safety & Community Services Committee spent a lot of time listening to the Foundation's presentation. The Committee inquired whether the Foundation was looking at other sites. He noted that the Foundation has communicated to the City that they are looking at other sites.

Council Member Carr stated that it was disappointing to hear about the new development as the Committee and City Council have been trying to work with and on this project for some time now. He said that the Committee spent the vast majority of their meeting with Foundation members and their consultant in talking about this project. He indicated that the Foundation was very excited about the City's participation and that the City's donation was going to be the catalyst to get their fundraising going in terms of matching funds. He said that it is disappointing to hear that they are having problems with the City of San Jose and with the fact that the Sobrato site may not be viable at this point. He said that a 30-day delay would allow the Committee to have a discussion with the Foundation.

**Action:**        *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Mayor Kennedy absent, **Continued** this item for 30-days.*

#### **FUTURE COUNCIL-INITIATED AGENDA ITEMS**

None.

#### **RECOGNITION**

Mayor Pro Tempore Tate recognized and thanked outgoing Library Commissioner Kathleen Stanaway for her years of service and support to the City, library and the community. He presented her with a gift in appreciation.

#### **ADJOURNMENT**

There being no further business, Mayor Pro Tempore/Vice-Chairman Tate adjourned the meeting at 7:47 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, CITY CLERK/AGENCY SECRETARY**